

211131



May 27, 2004



VIA UPS NEXT DAY AIR

Mr. Vernon Williams, Secretary
Surface Transportation Board
1925 "K" Street, N.W.
Washington, DC 20423-0001

**RE: Docket No. AB-33(Sub-No.216X), Union Pacific Railroad Company
- Abandonment Exemption - In Weld County, Colorado
(Monfort Industrial Lead from M.P. 141.12 to M.P. 140.00)**

Dear Mr. Williams:

Pursuant to 49 U.S.C. §10502, Union Pacific Company submits the original and ten (10) copies of a Petition for Exemption, with Verification, to abandon the above-referenced rail line. The Certificate of Service and Publication pursuant to 49 C.F.R. §1152.60(d) and 49 C.F.R. §1105.12 is attached to the petition.

Also enclosed is a draft Federal Register notice pursuant to 49 C.F.R. §1152.60(c). Three computer diskettes containing the draft Federal Register notice, as well as the Petition for Exemption and Certificate of Service and Publication is also enclosed.

Please file the Petition for Exemption in Docket No. AB-33 (Sub-No. 216X). Enclosed is a voucher for \$4,700 for the filing fee.

Sincerely yours,

FEE RECEIVED

Enclosures

MAY 28 2004

SURFACE
TRANSPORTATION BOARD

ENTERED
Office of Proceedings

MAY 28 2004

Part of
Public Record

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Mack H. Shumate, Jr.
Senior General Attorney, Law Department

UNION PACIFIC RAILROAD
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718
ph. (312) 777-2055 fx. (312) 777-2065

Surface Transportation Board
May 27, 2004
Page 2

cc (w/ enclosures):

MTMCTEA
Attn: Railroads for National Defense
720 Thimble Shoals Blvd., Suite 130
Newport News, VA 23606-2574

U. S. Department of the Interior
National Park Service
Recreation Resources Assistance Div.
P.O. Box 37127
Washington, D.C. 20013-7127

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor NW, Auditors Building
14th Street & Independence Ave., S.W.
Washington, D.C. 20250

Colorado Public Utilities Commission
1580 Logan Street
Office Level 2
Denver, CO 80203

ConAgra Foods
Eleven ConAgra Drive
Omaha, NE 68102

DRAFT FEDERAL REGISTER NOTICE
[49 C.F.R. § 1152.60(c)]

STB No. AB-33 (Sub-No. 216X)
Notice of Petition for Exemption to Abandon or
to Discontinue Service



On May 28, 2004, Union Pacific Railroad Company filed with the Surface Transportation Board, Washington, D.C. 20423, a petition for exemption for the abandonment and discontinuance of service on the Monfort Industrial Lead from M.P. 141.12 to M.P. 140.00, a distance of 1.12 miles in near Kersey, Weld County, Colorado (the "Line"). The Line traverses U. S. Postal Service Zip Code 80644. The proceeding has been docketed as No. AB-33 (Sub-No.216X). There are no agency stations on the Line.

The Line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected as required by 49 U.S.C. 10903(b)(2).

Any offer of financial assistance will be due no later than 10 days after service of a decision granting the petition for exemption.

All interested persons should be aware that following abandonment of rail service and salvage of the Line, the Line may be suitable for other public use, including interim trail use.

Any request for a public use condition and any request for trail use/rail banking will be due no later than 20 days after notice of the filing of the petition for exemption is published in the Federal Register.

Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment or discontinuance regulations at 49 CFR Part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis, telephone (202) 565-1545.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary), prepared by the Section of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Section of Environmental Analysis. EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 216X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --

IN WELD COUNTY, COLORADO
(MONFORT INDUSTRIAL LEAD)

PETITION FOR EXEMPTION

UNION PACIFIC RAILROAD COMPANY

Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive
Room 1920
Chicago, IL 60606
Tel: 312/777-2055
Fax: 312/777-2065

Dated: May 27, 2004
Filed: May 28, 2004

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 216X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --

IN WELD COUNTY, COLORADO
(MONFORT INDUSTRIAL LEAD)

PETITION FOR EXEMPTION

I.

INTRODUCTION

Union Pacific Railroad Company ("UP") hereby petitions the Board, pursuant to 49 U.S.C. §10502, to grant an exemption from 49 U.S.C. §§10903 in order to permit abandonment and discontinuance of service over the Monfort Industrial Lead from Milepost 141.12 to Milepost 140.00, a distance of 1.12 miles near Kersey, Weld County, Colorado (the "Line"). There are no shippers on the Line that will be adversely affected by the proposed abandonment. The purpose of this abandonment is to permit the reclassification and sale of the subject track and right-of-way which makes up the Line to the sole shipper on the Line, ConAgra, so that ConAgra can more easily reconfigure its facility to receive larger, more efficient unit trains of grain for its livestock feed business operation.

UP seeks exemption of this proposed abandonment from regulation under 49 U.S.C. §10903 in accordance with 49 U.S.C. §10502 and the Rules applicable thereto at 49 C.F.R. §1121 and 49 C.F.R. §1152 and the Special Rules at 49 C.F.R. §1152.60.

II.

PETITIONER'S BACKGROUND AND REPRESENTATIVE

UP has rail operations in the States of Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Tennessee, Texas, Utah, Washington, Wisconsin and Wyoming. UP owns and operates the Line proposed for abandonment which is located near the town of Kersey in Weld County, Colorado.

The name, address and telephone number of UP's representative is listed below:

Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive
Room 1920
Chicago, IL 60606
Tel: 312/777-2055
Fax: 312/777-2065

III.

LINE DESCRIPTIONS, ZIP CODE INFORMATION AND MAP

The proposed action involves the abandonment of the Monfort Industrial Lead from Milepost 141.12 to Milepost 140.00, a distance of 1.12 miles near Kersey, Weld County, Colorado.

The portion of the Monfort Industrial Lead to be abandoned was constructed in 1882 by the Colorado Central Railroad Company. The Line is primarily constructed with 131-pound rail with a couple of short segments constructed with 133-pound rail.

The Line traverses U.S. Postal Service Zip Code 80644.

Based on information in UP's possession, the Line proposed for abandonment consists of both federally granted rights-of-way and fee title property. There is no reversionary property included in the proposed action. A map of the Line is attached hereto as **Attachment 1** and hereby made a part hereof.

IV.

SHIPPER INFORMATION

The sole customer on the Line is ConAgra Foods located at Eleven ConAgra Drive, Omaha, NE 68102. ConAgra shipped 246 cars of Corn, STCC 1003215, totaling 24,886 tons in the year 2002, and 463 cars of Corn totaling 46,637 tons in the year 2003. The Line will become a ConAgra track after abandonment. No overhead traffic moves on the Line. Present train service is needed. After abandonment and reclassification, ConAgra will receive large unit shuttle trains of grain. Given that the traffic to and from the Line will remain on the UP's railroad, there should be no effect on regional or local transportation systems or patterns.

V.

REASONS FOR THE ABANDONMENT

There appears to be no reasonable alternative to the abandonment. The purpose of this abandonment is to permit the reclassification and sale of the subject track and right-of-way to ConAgra so that it can more easily reconfigure its facility to receive larger, more efficient unit trains of grain for its livestock feed business. Accordingly, the proposed action will facilitate increased rail traffic with the customer and there will be no adverse impact from the proposed action. There will be no need to utilize transportation alternatives. The Line will become an industry track under ConAgra's ownership after abandonment, which will preclude new customers unless they are allied with the new owner. There is no overhead traffic on the Line. The UP is of the opinion that the proposed abandonment would be beneficial to the UP, the sole shipper (ConAgra) on the Line and interstate commerce.

REASONABLE ALTERNATIVE; VIABILITY

There appears to be no reasonable alternative to the abandonment. UP is unaware of any adverse effects on local and existing land use plans, particularly since the abandonment will not result in loss of rail service to the sole shipper (ConAgra) on the Line. The property proposed for abandonment is not suitable for other public purposes including roads or highways, other forms of mass transportation, conservation, energy production or transmission, as it will continue to be used in rail operations to serve ConAgra as an industry track.

VII.

THE EXEMPTION STANDARDS HAVE BEEN MET

A. The abandonment requires an exemption from 49 U.S.C. §10903.

Abandonment of rail lines requires authorization and approval of the Board pursuant to 49 U.S.C. §10903. However, 49 U.S.C. §10502 requires the Board to exempt a transaction when it finds: (1) continued regulation is not necessary to carry out the Rail Transportation Policy of 49 U.S.C. §10101; and (2) either the transaction is of limited scope or Board regulation is not necessary to protect shippers from an abuse of market power. UP's proposal for abandonment and discontinuance of operations clearly satisfies the standards for exemption under 49 U.S.C. §10502.

Detailed scrutiny by the Board under 49 U.S.C. §10903 is not necessary to carry out the Rail Transportation Policy of 49 U.S.C. §10101. An exemption will minimize UP's administrative expense and the cost, preparation and review associated with progressing the proposed abandonment in a full application proceeding. An exemption will expedite regulatory action and will reduce regulatory barriers to exit from the Line consistent with Sections 10101(2) and (7). An exemption will foster sound economic conditions in the transportation industry consistent with Section 10101(5), by permitting UP's abandonment of the Line and avoiding the need to retain and operate a rail line that will be used by the sole shipper on the Line, ConAgra, as an industrial spur that will accommodate more efficient unit shuttle trains of grain.

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The proposed abandonment is clearly a transaction of "limited scope." Line is only 1.12 miles long and will be converted into an industrial spur. In addition, regulation of this abandonment is not needed to protect shippers from an abuse of market power, since the sole shipper on the Line, ConAgra, will use the Line as an industrial spur to accommodate its more efficient unit shuttle trains of grain.

VIII.

LAND AREA, FEDERAL GRANT INFORMATION, AND PUBLIC USE

The right-of-way is approximately 1.12 miles in length. The Line is near Kersey, Weld County, Colorado adjacent to the ConAgra facility which is the sole shipper on the Line. The right-of-way varies in width from 100 feet to 200 feet and is generally flat. The property is mostly agricultural in nature.

The property is not suitable for other public purposes including roads or highways, other forms of mass transportation, conservation, energy production or transmission, or recreation in that it will become an industrial spur for ConAgra. Based on information in UP's possession, the Line contains federally granted rights-of-way and fee title. Any documentation in UP's possession will be made available to those requesting it.

IX.

LABOR

UP is agreeable to the labor protection conditions imposed in abandonment proceedings as prescribed in Oregon Short Line R. Co. - Abandonment - Goshen, 360 ICC 91 (1979).

X.

ENVIRONMENTAL AND HISTORIC REPORT.

The required environmental and historic information is contained in the Combined Environmental and Historic Report which was filed on May 5, 2004. A copy of the Report is attached hereto as **Attachment 2**. The original and ten (10) copies were sent to Ms. Victoria Rutson, Section of Environmental Analysis, on May 4, 2004, for filing.

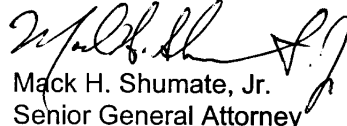
Subsequent to the filing of the combined Environmental and Historic Report no additional letters were received by UP from any federal, state or local governmental agency concerning any conditions to be imposed on the abandonment.

WHEREFORE, Union Pacific Railroad Company respectfully requests that the Board issue a decision exempting the proposed abandonment from the provisions of 49 U.S.C. §10903 and direct that the exemption be effective on the date of the Board's decision.

Dated this 27th day of May, 2004.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY



Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive
Room 1920
Chicago, IL 60606
Tel: 312/777-2055
Fax: 312/777-2065

VERIFICATION

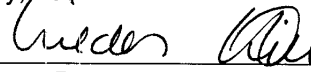
STATE OF NEBRASKA)
) ss:
COUNTY OF DOUGLAS)

I, RAYMOND E. ALLAMONG, JR., Senior Manager Rail Line Planning of Union Pacific Railroad Company, declare under penalty of perjury, under the laws of the United States of America, that I have read the foregoing document and that its assertions are true and correct to the best of my knowledge, information and belief. I further declare that I am qualified and authorized to submit this verification on behalf of Union Pacific Railroad Company. I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U.S.C. 1001 by imprisonment up to five years and fines up to \$10,000 for each offense. Additionally, I know that these misstatements are punishable as perjury under 18 U.S.C. 1621, which provides for fines up to \$2,000 or imprisonment up to five years for each offense.

Dated at Omaha, Nebraska, this 26th day of May, 2004.

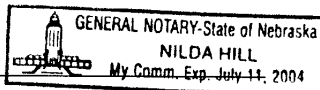

Raymond E. Allamong, Jr.

SUBSCRIBED AND SWORN TO
before me this 26th day of
May, 2004.



Notary Public

My Commission expires:



CERTIFICATE OF SERVICE AND PUBLICATION

The undersigned hereby certifies that a copy of the foregoing Petition for Exemption in Docket No. AB-33 (Sub-No. 216X) by Union Pacific Railroad Company was served on the date indicated below by mailing a copy, first class mail postage prepaid to the following:

MTMCTEA
Attn: Railroads for National Defense
720 Thimble Shoals Blvd., Suite 130
Newport News, VA 23606-2574

Colorado Public Utilities Commission
1580 Logan Street
Office Level 2
Denver, CO 80203

U. S. Department of the Interior
National Park Service
Recreation Resources Assistance Div.
P.O. Box 37127
Washington, D.C. 20013-7127

ConAgra Foods
Eleven ConAgra Drive
Omaha, NE 68102

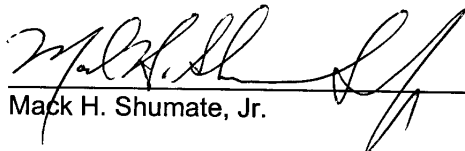
U.S. Department of Agriculture
Chief of the Forest Service
4th Floor NW, Auditors Building
14th Street & Independence Ave., S.W.
Washington, D.C. 20250

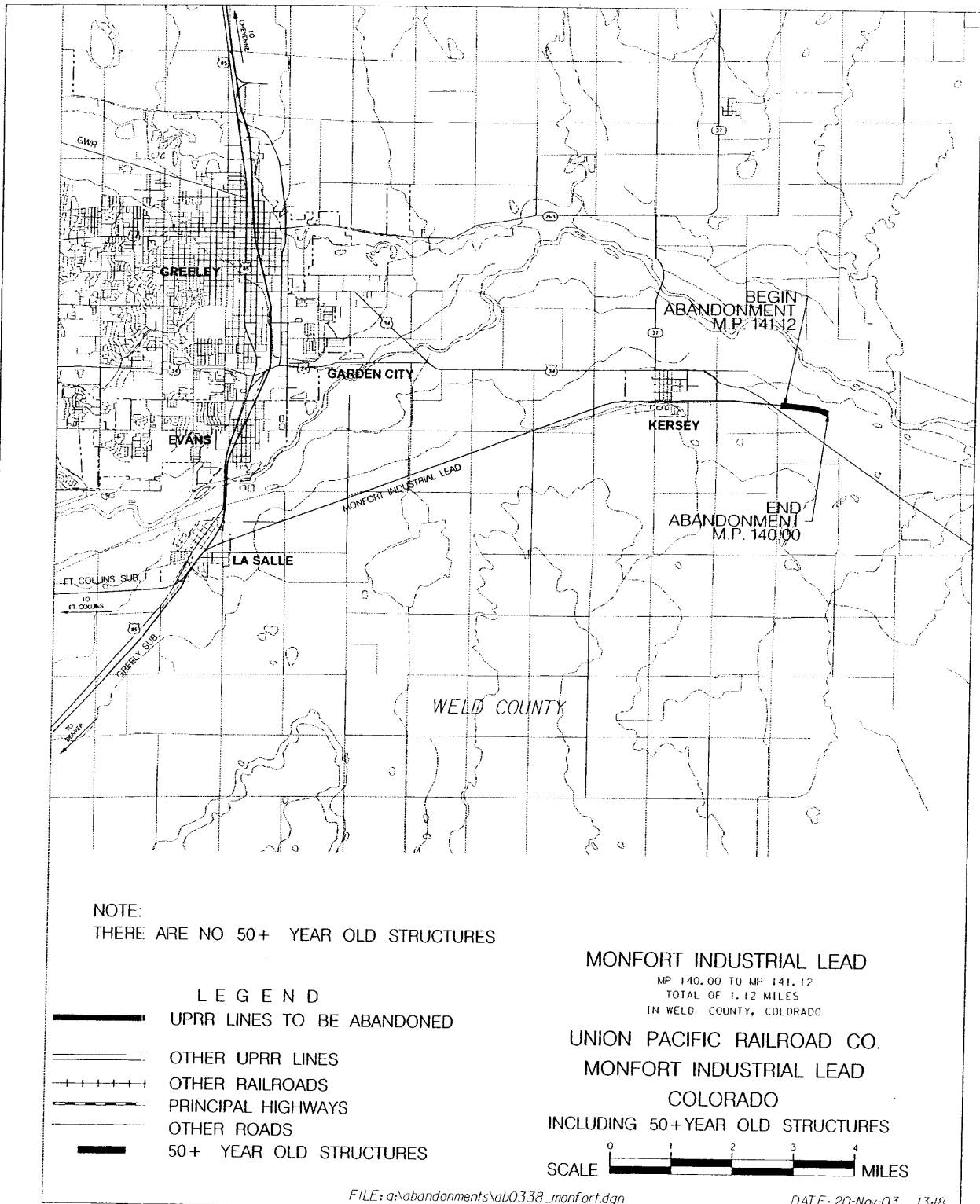
The undersigned further certifies that a notice of the abandonment was published one time in the County where the rail line is located as follows:

<u>County</u>	<u>Newspaper</u>	<u>Date</u>
Weld	<i>Greeley Tribune</i>	May 20, 2004

The above newspaper is generally circulated in the county where the rail line is located. The Notice as published was in the form prescribed by the Board for a Petition for Exemption at 49 CFR 1105.12.

Dated this 27th day of May, 2004.


Mack H. Shumate, Jr.



AB-33(Sub-No. 216X)



FILE COPY

May 4, 2004

VIA U.P.S. OVERNIGHT

Surface Transportation Board
Section of Environmental Analysis
1925 "K" St., N.W., Room 504
Washington, DC 20423-0001

Attention: Victoria Rutson

**RE: Docket No. AB-33(Sub-No.216X), Union Pacific Railroad Company
- Abandonment Exemption - - In Weld County, CO
(Monfort Industrial Lead from M.P. 141.12 to M.P. 140.00)**

Dear Ms. Rutson:

Enclosed for filing in the above-referenced docket is the original and ten (10) copies of a Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. §1105.7 and §1105.8, with a Certificate of Service, and a transmittal letter pursuant to 49 C.F.R. §1105.11.

Union Pacific anticipates filing a Petition for Exemption in this matter on or after May 25, 2004.

Sincerely,

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.", with a stylized flourish at the end.

Enclosures

O:\ABANDONMENTS\33-216X\STB-EHR.wpd

Mack H. Shumate, Jr.
Senior General Attorney, Law Department

UNION PACIFIC RAILROAD
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718
ph. (312) 777-2055 fx. (312) 777-2065



May 4, 2004

State Clearinghouse (or alternate):

Colorado Public Utilities Commission
1580 Logan Street
Office Level 2
Denver, CO 80203

State Environmental Protection Agency:

Colorado Department of Public Health
and Environment
4300 Cherry Creek Drive South
Denver, CO 80246-1530

**State Coastal Zone Management Agency
(if applicable):**

Not applicable.

Head of each County:

Weld County Commissioners
P. O. Box 758
Greeley, CO 80632-0758

**Environmental Protection Agency
(regional office):**

U.S. Environmental Protection Agency
Region VIII
Water Program
999 18th Street, Suite 500
Denver, CO 80202-2466

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service, Region 6
P. O. Box 25486
Denver Federal Center
Denver, CO 80225-0286

U.S. Army Corps of Engineers:

U.S. Army Engineer District
Northwestern Division
12565 West Center Road
Omaha, NE 68144-3869

National Park Service:

National Park Service
William D. Shaddox
Chief, Land Resources Division
1849 "C" St., N. W., #MS3540
Washington, DC 20240

U.S. Natural Resources Conservation Service:

Natural Resource Conservation Service
655 Parfet Street, Room E200C
Lakewood, CO 80215-5517

National Geodetic Survey:

National Geodetic Survey
Edward J. McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:

Colorado Archeology and Historic Preservation
Office
1300 Broadway
Denver, CO 80203

**Re: Docket No. AB-33 (Sub-No. 216X), Union Pacific Railroad Company -
Abandonment Exemption -- In Weld County, CO
(Monfort Industrial Lead from M.P. 141.12 to M. P. 140.00)**

Mack H. Shumate, Jr.
Senior General Attorney, Law Department

UNION PACIFIC RAILROAD
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718
ph. (312) 777-2055 fx. (312) 777-2065

Dear Sirs:

On or after May 25, 2004, we expect to be filing with the Surface Transportation Board (STB or Board) a Petition for Exemption seeking authority to abandon and discontinue operations over the Monfort Industrial Lead from milepost 141.12 to milepost 140.00, a distance of 1.12 miles in Weld County, Colorado (the "Line"). The Line traverses U. S. Postal Service Zip Code **80644**. Attached is a Combined Environmental and Historic Report which describes the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

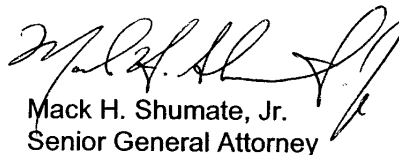
We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA) at the following address, and refer to the above-referenced Docket Number:

Surface Transportation Board
Section of Environmental Analysis (SEA)
1925 K Street, N.W., Room 504
Washington, D.C. 20423-0001
Telephone (202) 565-1545

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. UP's representative in this matter is the undersigned and may be contacted at the address and telephone number indicated below.

Sincerely,


Mack H. Shumate, Jr.
Senior General Attorney

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 216X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN WELD COUNTY, CO
(MONFORT INDUSTRIAL LEAD)

Combined Environmental and Historic Report

UNION PACIFIC RAILROAD COMPANY
Mack H. Shumate, Jr., Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX

Dated: May 4, 2004
Filed: May 5, 2004

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 216X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN WELD COUNTY, CO
(MONFORT INDUSTRIAL LEAD)

Combined Environmental and Historic Report

Union Pacific Railroad Company ("UP") submits this Combined Environmental and Historic Report pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, for an exempt abandonment of the Monfort Industrial Lead from milepost 141.12 to milepost 140.00, a distance of 1.12 miles near Kersey, Weld County, Colorado (the "Line").

The Line traverses U. S. Postal Service Zip Code **80644**.

UP anticipates that a Petition For Exemption to abandon the line will be filed at the STB on or after May 25, 2004.

A map of the Line is attached as **Attachment No. 1**. UP's letter to federal, state and local government agencies is marked **Attachment No. 2**. Responses received to UP's letter to date are attached and sequentially numbered as indicated below.

ENVIRONMENTAL REPORT

49 C.F.R. § 1105.7(e)

(1) **Proposed action and alternatives.** Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

Response: The proposed action involves the abandonment by UP of the Monfort Industrial Lead from milepost 141.12 to milepost 140.00, a distance of 1.12 miles near Kersey, Weld County, Colorado. The sole customer on the Line is ConAgra Foods located at Eleven ConAgra Drive, Omaha, NE 68102. ConAgra shipped 246 cars of Corn, STCC 1003215, totaling 24,886 tons in the year 2002, and 463 cars of Corn totaling 46,637 tons in the year 2003.

The portion of the Monfort Industrial Lead to be abandoned was constructed in 1882 by the Colorado Central Railroad Company. The Line is primarily constructed with 131-pound rail with a couple of short segments constructed with 133-pound rail.

There appears to be no reasonable alternative to the abandonment. The purpose of this abandonment is to permit the reclassification and sale of the subject track and right-of-way to ConAgra so that it can more easily reconfigure its facility to receive larger, more efficient unit trains of grain for its feeding operations. Accordingly, the proposed action will facilitate increased rail traffic with the customer and there will be no adverse impact from the proposed action. There will be no need to utilize transportation alternatives. The Line will become an industry track under ConAgra's ownership after abandonment, precluding new customers unless they are allied with the new owner.

Based on information in UP's possession, the Line proposed for abandonment consists of both federally granted rights-of-way and fee title property. There is no reversionary property included in the proposed action.

A map of the Line is attached as **Attachment No. 1**.

(2) **Transportation system.** Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

Response: The Line will become a ConAgra industry track after abandonment. No overhead traffic moves on the Line. Present train service is as needed. After abandonment and reclassification, ConAgra will receive large unit shuttle trains of grain. Given that the traffic to and from the Line will remain on the UP's railroad, there should be no effect on regional or local transportation systems or patterns.

(3) **Land use.** (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

(iii) If the action effects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

Response: (i) UP is unaware of any adverse effects on local and existing land use plans, particularly since the abandonment will not result in loss of rail service to the sole shipper on the Line. The Weld County Commissioners Office has been contacted. To date UP has received no response.

(ii) The United States Natural Resources Conservation Service has been contacted. To date UP has received no response.

(iii) The Line is not in a state coastal zone.

(iv) The property proposed for abandonment is not suitable for other public purposes including roads or highways, other forms of mass transportation, conservation, energy production or transmission, as it will continue to be used in rail operations to serve ConAgra as an industry track.

(4) **Energy.** (i) Describe the effect of the proposed action on transportation of energy resources.

(ii) Describe the effect of the proposed action on recyclable commodities.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year, or

(B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

Response: (i) There are no effects on the transportation of energy resources.

(ii) The action will not affect recyclable commodities.

(iii) The proposed action might improve overall energy efficiency by permitting the use of larger shuttle grain trains.

(iv)(A)(B) There will be no rail-to-motor diversion.

(5) **Air.** (i) If the proposed action will result in either:

(A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or

(B) an increase in rail yard activity of at least 100% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. § 10901 (or § 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in §§ (5)(i)(A) will apply.

Response: There is no such effect anticipated.

(5) **Air.** (ii) If the proposed action affects a class 1 or nonattainment area under the Clean Air Act, and will result in either:

(A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or

(B) an increase in rail yard activity of at least 20% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

Response: There is no such effect anticipated as a result of the proposed action.

(5) **Air.** (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Response: The proposed action will not affect the transportation of ozone depleting materials.

(6) **Noise.** If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

(i) an incremental increase in noise levels of three decibels Ldn or more or

(ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area and quantify the noise increase for these receptors if the thresholds are surpassed.

Response: Not applicable.

(7) **Safety.** (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

Response: (i) The proposed action will have no detrimental effects on public health and safety.

(ii) The proposed action will not affect the transportation of hazardous materials.

(iii) There are no known hazardous material waste sites or sites where known hazardous material spills have occurred on or along the subject right-of-way.

(8) **Biological resources.** (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

Response: (i) The U. S. Fish and Wildlife Service has been contacted. To date UP has received no response.

(ii) UP is not aware of any wildlife sanctuaries or refuges, or of any National or State parks or forests, that will be affected by the proposed abandonment.

(9) **Water.** (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action. (Applicants should contact the U.S.

Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

Response: (i) The Natural Resource Conservation Service in Colorado has been contacted. To date UP has received no response.

(ii) The U.S. Army Corps of Engineers ("CORP") has been contacted. By letter dated February 10, 2004, the CORP has concluded that the proposed abandonment does not require a permit. The CORP's response is attached as **Attachment No. 3** and incorporated herein by reference.

(iii) It is not anticipated there will be any requirements for Section 402 permits.

(10) **Proposed Mitigation.** Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Response: There are no known adverse environmental impacts as there will be no change in the use of the property as a result of the proposed abandonment.

HISTORIC REPORT
49 C.F.R. § 1105.8(d)

(1) A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action:

Response: See **Attachment No. 1.**

(2) A written description of the right-of-way (including approximate widths to the extent known), and the topography and urban and/or rural characteristics of the surrounding area:

Response: The right-of-way varies in width from 100 feet to 200 feet and is generally flat. The property is mostly agricultural in nature.

(3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:

Response: There are no railroad structures or bridges that are 50 years old or older.

(4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations to the extent such information is known:

Response: Not applicable.

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

Response: See UP's response to question (1) in the Environmental Report above for a brief history and description of UP's common carrier operations on the Line and any contemplated changes thereto.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic:

Response: Not applicable.

(7) An opinion (based on readily available information in the UP's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):

Response: The Colorado Historical Society has been contacted. The Society determined that no historic properties are affected by the proposed abandonment. The Historical Society's response is attached as **Attachment No. 4** and is incorporated by reference herein.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain:

Response: UP does not have any such readily available information.

(9) Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad owned properties or groups of properties immediately adjacent to the railroad right-of-way. Photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the locations and type of the site (i.e., prehistoric or native American):

Response: Not applicable.

Dated this 4th day of May, 2004.

Respectfully submitted,



UNION PACIFIC RAILROAD COMPANY
Mack H. Shumate, Jr., Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX

CERTIFICATE OF SERVICE
OF THE
COMBINED ENVIRONMENTAL AND HISTORIC REPORT

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket No. AB-33 (Sub-No. 216X) for the Monfort Industrial Lead from milepost 141.12 to milepost 140.00 near Kersey, Weld County, Colorado was served by first class mail on the 4th day of May, 2004 on the following:

State Clearinghouse (or alternate):

Colorado Public Utilities Commission
1580 Logan Street
Office Level 2
Denver, CO 80203

State Environmental Protection Agency:

Colorado Department of Public Health
and Environment
4300 Cherry Creek Drive South
Denver, CO 80246-1530

State Coastal Zone Management Agency
(if applicable):

Not applicable.

Head of each County:

Weld County Commissioners
P. O. Box 758
Greeley, CO 80632-0758

Environmental Protection Agency
(regional office):

U.S. Environmental Protection Agency
Region VIII
Water Program
999 18th Street, Suite 500
Denver, CO 80202-2466

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service, Region 6
P. O. Box 25486
Denver Federal Center
Denver, CO 80225-0286

U.S. Army Corps of Engineers:

U.S. Army Engineer District
Northwestern Division
12565 West Center Road
Omaha, NE 68144-3869

National Park Service:

National Park Service
William D. Shaddox
Chief, Land Resources Division
1849 "C" St., N. W., #MS3540
Washington, DC 20240

U.S. Natural Resources Conservation Service:

Natural Resource Conservation Service
655 Parfet Street, Room E200C
Lakewood, CO 80215-5517

National Geodetic Survey:

National Geodetic Survey
Edward J. McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

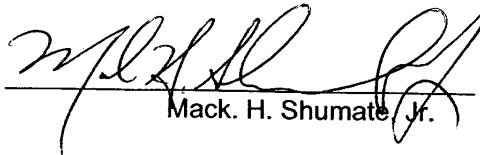
State Historic Preservation Office:

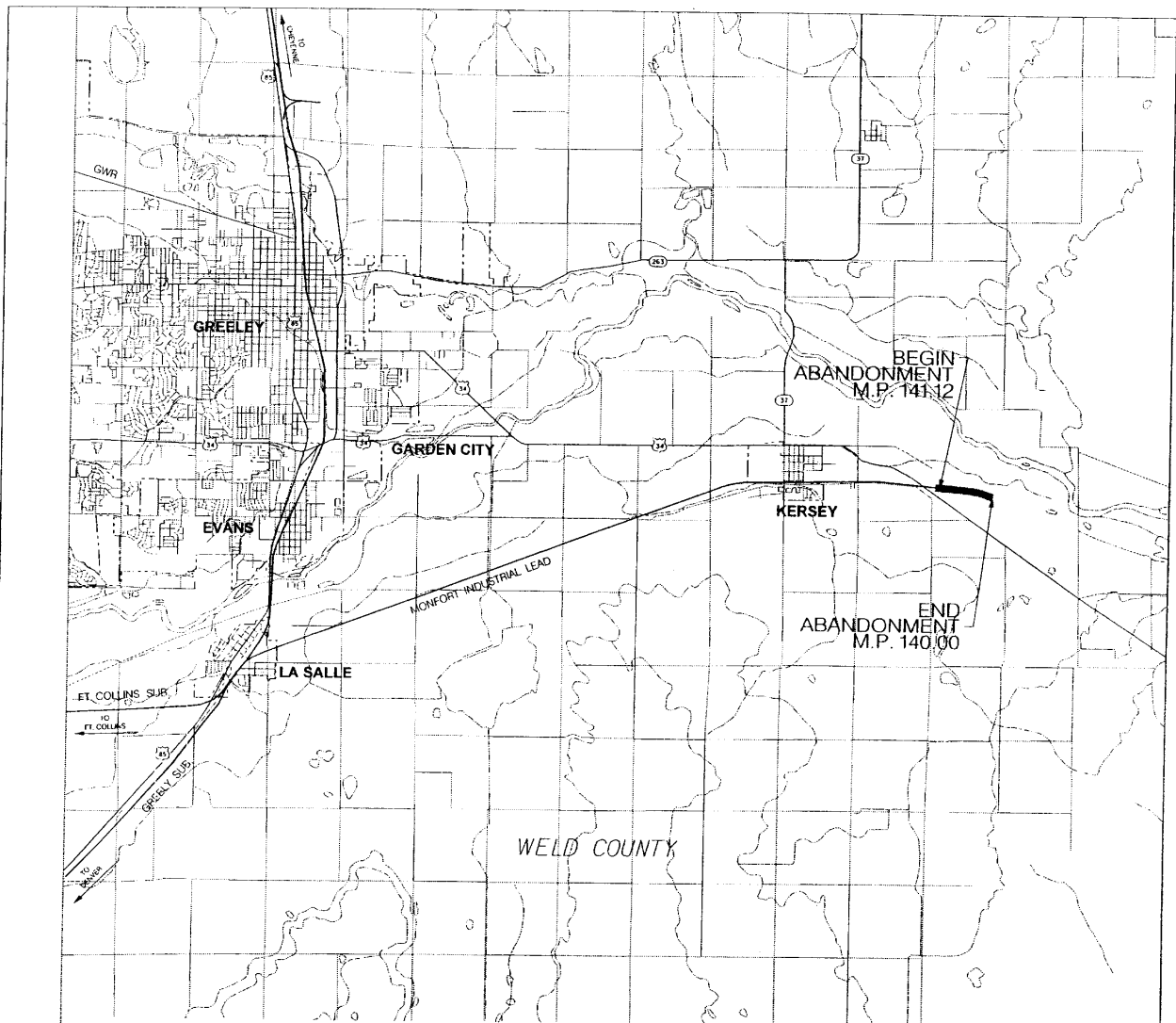
Colorado Archeology and Historic Preservation
Office
1300 Broadway
Denver, CO 80203

Shipper:

ConAgra Foods
Eleven ConAgra Drive
Omaha, NE 68102

Dated this 4th day of May, 2004.


Mack. H. Shumate Jr.



NOTE:
THERE ARE NO 50+ YEAR OLD STRUCTURES

- LEGEND**
- UPRR LINES TO BE ABANDONED
 - OTHER UPRR LINES
 - OTHER RAILROADS
 - PRINCIPAL HIGHWAYS
 - OTHER ROADS
 - 50+ YEAR OLD STRUCTURES

MONFORT INDUSTRIAL LEAD

MP 140.00 TO MP 141.12
TOTAL OF 1.12 MILES
IN WELD COUNTY, COLORADO

UNION PACIFIC RAILROAD CO.

MONFORT INDUSTRIAL LEAD

COLORADO

INCLUDING 50+YEAR OLD STRUCTURES

SCALE MILES

FILE: q:\abandonments\ab0338_monfort.dgn

DATE: 20-Nov-03 13:18

AB-33(Sub-No. 216X)

CHARLES W. SAYLORS
DIRECTOR-LEGAL SUPPORT SERVICES

UNION PACIFIC RAILROAD COMPANY

1416 DODGE STREET
OMAHA, NEBRASKA 68179
2(402)551-1887



January 20, 2004

State Clearinghouse (or alternate):

Colorado Public Utilities Commission
1580 Logan Street
Office Level 2
Denver, CO 80203

State Environmental Protection Agency:

Colorado Department of Public Health
and Environment
4300 Cherry Creek Drive South
Denver, CO 80246-1530

State Coastal Zone Management Agency

(if applicable):
Not applicable.

Head of each County:

Weld County Commissioners
P. O. Box 758
Greeley, CO 80632-0758

Environmental Protection Agency

(regional office):
U.S. Environmental Protection Agency
Region VIII
999 13th Street, Suite 500
Denver, CO 80202-2466

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service, Region 6
P. O. Box 25486
Denver Federal Center
Denver, CO 80225-0286

U.S. Army Corps of Engineers:

U.S. Army Engineer District
Northwestern Division
12565 West Center Road
Omaha, NE 68144-3869

National Park Service:

National Park Service
William D. Shaddox
Chief, Land Resources Division
1849 "C" St., N. W., #MS3540
Washington, DC 20240

U.S. Natural Resources Conservation Service:

Natural Resource Conservation Service
655 Parfet Street, Room E200C
Lakewood, CO 80215-5517

National Geodetic Survey:

National Geodetic Survey
Edward J. McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:

Colorado Archeology and Historic Preservation
Office
1300 Broadway
Denver, CO 80203

Re: Proposed abandonment of the Monfort Industrial Lead from M. P. 141.12 to
M. P. 140.00 at Monfort in Weld County, Colorado; STB Docket No. AB-33
(Sub-No. 216X)

Dear Sirs:

Union Pacific Railroad Company plans to request authority from the Surface
Transportation Board (STB) to discontinue service on the Monfort Industrial Lead from M.

P. 141.12 to M. P. 140.0 in Weld County in Colorado. The purpose of the abandonment is to permit Union Pacific to reclassify and sell the subject line to an adjacent customer as an industry spur so that the customer can make certain facility and operational improvements. Rail activity will continue. Accordingly, salvage of the line is not anticipated at this time. There are no bridges or structures over fifty years old affected by the proposed action. A map of the proposed track abandonment shown in black is attached.

Pursuant to the STB's regulations at 49 C.F.R. Part 1152, and the environmental regulations at 40 C.F. R. Part 1105.7, this is to request your assistance in identifying any potential effects of this action as indicated in the paragraphs below. We do not anticipate any adverse environmental impacts, since there will be no salvage activities, as described in the preceding paragraph. However, if you identify any adverse environmental impacts, describe any actions that are proposed in order to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB.

LOCAL AND/OR REGIONAL PLANNING AGENCIES. State whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

U. S. SOIL CONSERVATION SERVICE. State the effect of the proposed action on any prime agricultural land.

U. S. FISH AND WILDLIFE SERVICE (And State Game And Parks Commission, If Addressed). State (1) whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects, and, (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

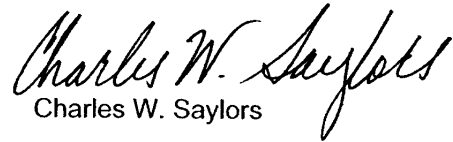
STATE WATER QUALITY OFFICIALS. State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

U. S. ARMY CORPS OF ENGINEERS. State (1) whether permits under Section 404 of the Clean Water Act (33 U.S. C. § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

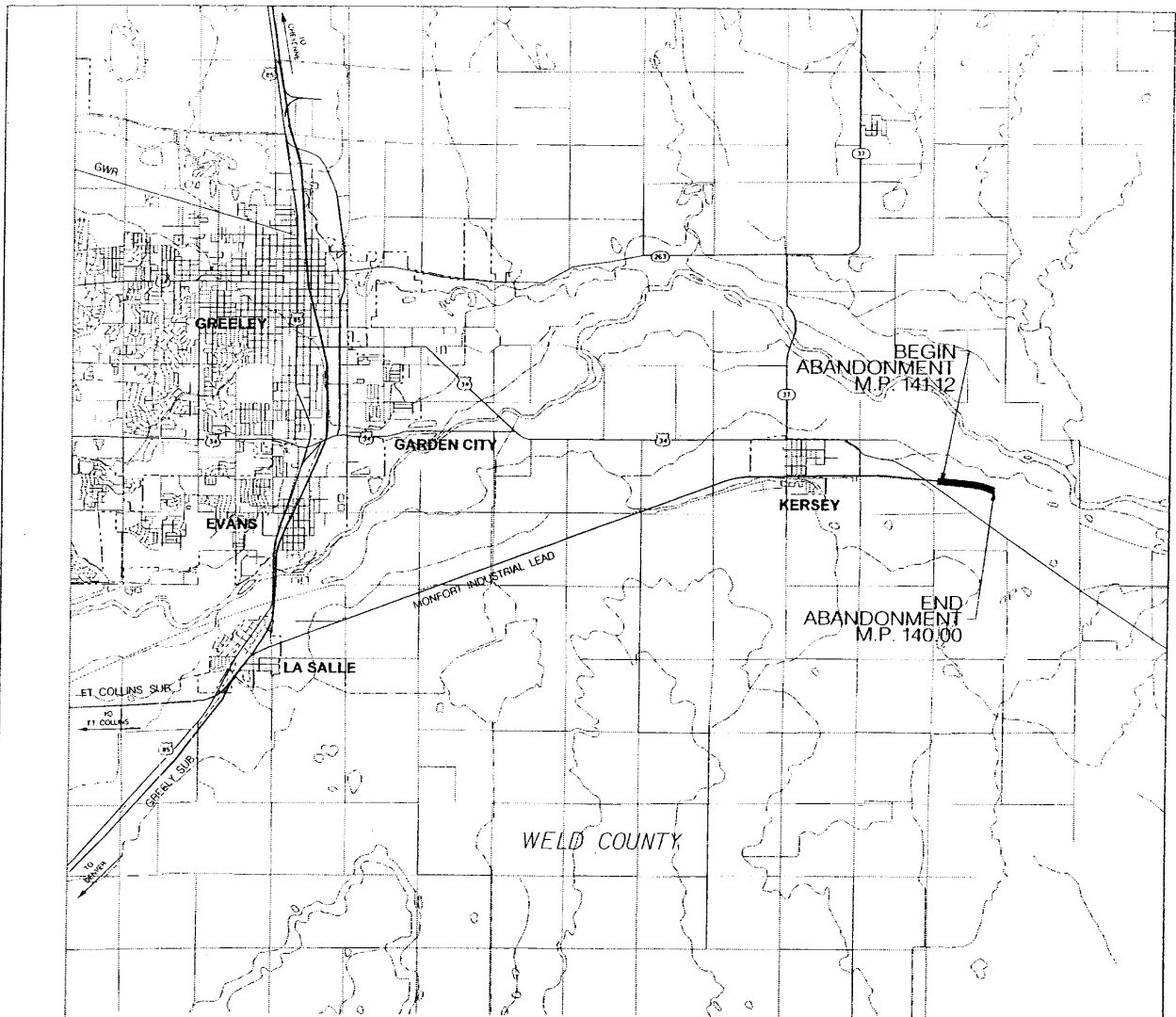
U. S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY). (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

Thank you for your assistance. Please send your reply to Union Pacific Railroad, Mr. Chuck Saylor, 1416 Dodge Street, Room 830, Omaha, NE, 68179. If you need further information, please contact me at (402) 271-4861.

Yours truly,


Charles W. Saylor

Attachment



NOTE:
THERE ARE NO 50+ YEAR OLD STRUCTURES

- LEGEND**
- UPRR LINES TO BE ABANDONED
 - OTHER UPRR LINES
 - OTHER RAILROADS
 - PRINCIPAL HIGHWAYS
 - OTHER ROADS
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MONFORT INDUSTRIAL LEAD

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IN WELD COUNTY, COLORADO

UNION PACIFIC RAILROAD CO.

MONFORT INDUSTRIAL LEAD

COLORADO

INCLUDING 50+YEAR OLD STRUCTURES

SCALE MILES

FILE: q:\abandonments\ab0338_monfort.dgn

DATE: 20-Nov-03 13:18

AB-33 (Sub-No. 216X)



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
DENVER REGULATORY OFFICE, 9307 SOUTH WADSWORTH BOULEVARD
LITTLETON, COLORADO 80128-6901

February 10, 2004

Union Pacific Railroad
Mr. Chuck Saylor
1416 Dodge Street, Room 830
Omaha, NE 68179

**RE: Proposed Abandonment of the Monfort Industrial Lead from M.P. 141.12 to M.P. 140.00,
STB Docket No. AB-33 (Sub-No. 216X)
Corps File No. 200380052**

Dear Mr. Saylor:

Reference is made to the above-mentioned project located in SW ¼ of Section 23, T5N, R64W, Weld County, Colorado.

This project has been reviewed in accordance with Section 404 of the Clean Water Act under which the U.S. Army Corps of Engineers regulates the discharge of dredged and fill material and certain excavation activities in waters of the United States. Waters of the U.S. includes ephemeral, intermittent and perennial streams, their surface connected wetlands and adjacent wetlands and certain lakes, ponds, drainage ditches and irrigation ditches that have a nexus to interstate commerce. Based on the information provided, a Department of the Army permit will not be required for this activity.

Although a Department of the Army permit will not be required for this activity, this does not eliminate the requirements that other applicable federal, state, tribal, and local permits are obtained if needed.

If there are any questions call **Mr. Terry McKee** at 303-979-4120 and reference **Corps File No. 200480052**.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy T. Carey".

Timothy T. Carey
Chief, Denver Regulatory Office

tm



COLORADO
HISTORICAL
SOCIETY

The Colorado History Museum 1300 Broadway Denver, Colorado 80203-2137

23 January 2004

Charles W. Saylor
Director, Legal Support Services
Union Pacific Railroad Company
1416 Dodge St.
Omaha, NE 68179

RE: Proposed Abandonment of the Monfort Industrial Lead from M.P. 141.12 to M.P. 140.00,
Weld County, Colorado, STB Docket No. AB-33 (Sub-No. 216X)

Dear Mr. Saylor:

Thank you for your recent correspondence dated 22 January 2004, concerning the proposed abandonment of 1.12 miles of trackage in Weld County. Our office has reviewed the submitted materials. Previous portions of this line have already been abandoned. A search of our files indicates no historic properties located at or near this rail line. Therefore, we find that no historic properties will be affected by this project.

If you have any questions, please feel free to contact Joseph Saldibar, Architectural Services Coordinator, at (303) 866-3741.

Sincerely,

Mark Wolfe
for Georgianna Contiguglia
State Historic Preservation Officer, and
President, Colorado Historical Society